

## **DETAILED ACTION**

### ***Final***

### ***Response to Amendment***

1. The amendment filed on 08/07/2008 is entered and acknowledged by the Examiner. Claims 5-14 are currently pending in the instant application. Claims 1-4 and 15-27 have been canceled.
2. The rejection of claims 5-14 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 6,200,948 (Traber et al.) is withdrawn in view of Applicant amendment and/or remark.

### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

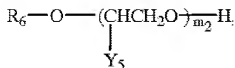
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 103***

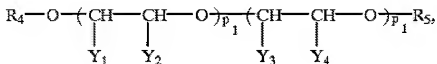
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 6,200,948 B1 (hereinafter Traber) and further in view of U.S. Pat. 6,680,412 B2 (hereinafter Gumbel).

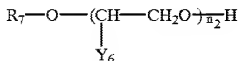
With respect to claim 5, Traber discloses a low foaming aqueous formulation for treating textile (Col. 1, lines 5-10). The said aqueous formulation comprises of a mixture of (a) 10-60 wt. % of a nonionic surfactant having a formula (1)



wherein  $\text{R}_6$  is a linear  $\text{C}_8\text{-C}_{13}$  alkyl radical,  $\text{Y}_5$  may be a hydrogen or methyl, and  $m_2$  has an average value of 3 to 15 (Col. 1, line 12, Col. 2, lines 26-30 and Col. 2, lines 50-62), as recited in component A2) and (d) up to 20 wt. % of a nonionic surfactant having a formula (3)



with (b) 10-60 wt. % of a reaction product of one or more nonionic surfactant component (b) having a formulate (2)

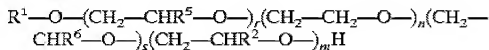


wherein  $\text{R}_7$  is a linear  $\text{C}_8\text{-C}_{18}$  alkyl radical,  $\text{Y}_6$  may be a hydrogen, methyl or ethyl, and  $n_2$  has an average value of 1 to 40 (Col. 1, line 20, Col. 2, lines 26-30 and Col. 3, line 57 to Col. 4, line 5). Traber further teaches the said aqueous formulation comprising (f) up to 30 wt. % of a chelating agent or sequestering agent which is considered as a hydroxyl carboxylic acid as recited in component B) (Col. 1, line 40 and Col. 6, line 1 to Col. 7, line 21). The said aqueous formulation may further comprises (c) 4-20 wt. % of a hydrotropic agent which is an alky sulfate in salt form and is considered a sulphation

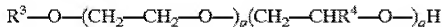
product or salt as recited in component C) (Col. 4, line 5 to Col. 5, line 12). Traber also discloses the said aqueous formulation may contain (e) up to 8 wt. % of magnesium salt in context is the sulfate or its heptahydrate and in particular the chloride or its hexahydrate, preferred salt is magnesium chloride hexahydrate (Col. 1, line 38-39 and Col. 5, lines 60-67). The disclosure of (e) magnesium chloride hexahydrate salt is considered an alkaline earth metal chloride salt as recited in component D). Traber further teaches the said aqueous formulation may comprise (g) up to 10 wt. % of a diol or polyol and (h) up to 60 wt. % of (Col. 1, lines 41-42).

The difference between the instant claimed application and Traber reference is Traber does not teach the said aqueous formulation comprising of a mixture of A1) and A2) alkoxyates.

In an analogous art, Gumbel teaches a low forming or form suppressing nonionic surfactant formulation useful in treating textile (Col. 1, lines 8-12 and Col. 3, lines 36-42). Gumbel teaches the said formulation comprises of a mixture of alcohol alkoxyates of 20-95 wt. % of nonionic surfactant of **formula (I)**



and 5-95 wt. % of nonionic surfactant of **formula (II)**



The nonionic surfactant mixture of Gumbel to provide a low forming detergent composition with good wetting power while suppressing form action during textile treatment (Col. 5, lines 2-9). Gumbel surfactants of formula (I) and formula (II) are

similar to components A1) and A2) when the nonionic surfactant of formula (I) contain a branch  $R^1$  of  $C_{6-14}$  alkyl, n has an average value of 3 to 11, s is 1,  $R^6$  is methyl or ethyl, r is zero, and m is zero and the nonionic surfactant of formula (II) contain a branch or unbranch (linear)  $R^3$  is of  $C_{6-10}$  alkyl, p has an average value of 3 to 10, and q is 1 (Abstract and Col. 3, lines 6-10). The nonionic surfactant formula (I) of Gumbel is also similar to the nonionic surfactant formula (1) of Traber.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the low forming aqueous composition of Traber by substituting the nonionic surfactant of formula (3) of Traber with the nonionic surfactant of formula (II) of Gumbel to provide a low forming detergent composition that has a very good wetting power while providing form suppressing action during textile treatment (Col. 5, lines 2-9). The burden is upon the applicant to prove otherwise. *In re Fitzgerald*, 205 USPQ 594.

With respect to claim 6, Traber further discloses an aqueous mixture wherein in A1)  $R_1$  is a branched  $C_8$ - $C_{12}$ -alkyl radical,  $R_2$  is hydrogen or methyl, and n has an average value of 5 to 9 (component (a)); and in A2) wherein  $R_1$  is a linear or branched  $C_{10}$ - $C_{17}$ -alkyl radical,  $R_2$  is hydrogen or methyl, and n has an average value of 4 to 8 (component (b)), and B) is citric acid (Col. 4, line 38), sodium gluconate (chelating or sequestering agent), an alpha- hydroxyl polyacrylate or ATMP, HEDP, DTPMPA, EDTMPA, PBTC or salts of these phosphonates or mixture thereof; C) is cumenesulphonic acid, naphthalenesulphonic acid (i.e. hydrotropic additive), an alkali

metal salt of cumenesulphonic acid, an alkali metal salt of naphthalenesulphonic acid, an ammonium salt of cumenesulphonic acid, an ammonium salt of naphthalenesulphonic acid; and D) is magnesium chloride, magnesium sulphate (i.e. magnesium salt), calcium chloride or calcium sulphate. (Col. 1, lines 6-65 and Col. 2, lines 4-10).

With respect to claim 7, Traber further discloses an aqueous mixture wherein A1) R1 is a branched C10-alkyl radical, R2 is hydrogen, and n has an average value of 7 (component (a)); and in A2) wherein R1 is a linear or branched C12-C15-alkyl radical, R2 is hydrogen, and n has an average value of 6 (component (b)); and B) is citric acid (Col. 4, line 38), sodium gluconate (sequestering agent), DTPMPA or mixture thereof; C) is cumenesulphonic acid, an alkali metal salt of cumenesulphonic acid (sequestering agent), an ammonium salt of cumenesulphonic acid; and D) is magnesium chloride or magnesium sulphate (i.e. magnesium salt). (Col. 1, lines 6-65 and Col. 2, lines 4-10).

With respect to claim 8, Traber further discloses an aqueous mixture wherein A1) is an alkoxylate of a linear or branched C10-alcohol or mixture thereof having on average 8 ethylene oxide units (moles) and 1 propylene oxide unit (moles); and A2) is an alkoxylate of a linear or branched C12-C15-alcohol having on average 7 ethylene oxide units (Moles); and B) is a mixture of citric acid (Col. 4, line 38) and sodium gluconate (sequestering agent); C) is cumenesulphonic acid (sequestering agent); and

D) is magnesium chloride (i.e. magnesium salt). (Col. 1, lines 6-65, Col. 2, lines 4-67 and Col.3, lines 1-11).

With respect to claim 9, Traber further discloses an aqueous mixture wherein B) is a mixture of citric acid (Col. 4, line 38) and sodium gluconate (sequestering agent); C) is cumenesulphonic acid (sequestering agent); and D) is magnesium chloride (i.e. magnesium salt). (Col. 1, lines 6-65, Col. 2, lines 4-10, Col. 7, lines 35-67 and Col. 8, lines 1-23).

With respect to claim 10, Traber further discloses an aqueous mixture wherein said component A (surfactant) has a concentration of 1% to 40% by weight, said component B has a concentration of 1% to 20% by weight, said components C and D each have a concentration of 0.1% to 10% by weight, based on the aqueous mixture. (Col. 1, lines 6-65). Gumbel also teaches the total concentration of surfactant mixture ranges from 0.1 to 40 wt. % based on the total amount of the composition (Col. 4, lines 52-58).

With respect to claim 11, Traber further discloses an aqueous mixture wherein said component A (surfactant) has a concentration of 7% to 20% by weight, said component B has a concentration of 2% to 10% by weight, said components (C) and (D) each have a concentration of 0.4% to 5% by weight, based on the aqueous mixture. (Col. 1, lines 6-65). Gumbel also teaches the total concentration of surfactant mixture

ranges from 0.1 to 40 wt. % based on the total amount of the composition (Col. 4, lines 52-58).

With respect to claim 12, Traber further discloses an aqueous mixture wherein said component A (surfactant) has a concentration of 14% to 20% by weight, said component B has a concentration of 3% to 8% by weight, said components (C) and (D) each have a concentration of 0.6% to 2.5% by weight, based on the aqueous mixture. (Col. 1, lines 6-65). Gumbel also teaches the total concentration of surfactant mixture ranges from 0.1 to 40 wt. % based on the total amount of the composition (Col. 4, lines 52-58).

With respect to claim 13, Traber further discloses an aqueous mixture further comprises of an antifoaming agent and a defoamer (foaming-suppressing component). (Col.1, lines 66-67 and Col. 2, lines 1-3).

With respect to claim 14, Traber further discloses a textile pretreated with the aqueous mixture according to claim 1. (Col. 7, line 12-21).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 5-14 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHANH T. NGUYEN whose telephone number is (571)272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KTN/  
10/21/2008

/DOUGLAS MC GINTY/  
Primary Examiner, Art Unit 1796